United Nations S/AC.49/2013/21

Security Council

Distr.: General
16 September 2013
English
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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 13 September 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to note SAC/4/13(05) of 22 March 2013. In addition, the Permanent Mission of Colombia has the honour to transmit the updated information requested in the above-mentioned note, in accordance with the relevant provisions of Security Council resolution 2094 (2013) (see annex).

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Annex to the note verbale dated 13 September 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

National report of Colombia concerning Security Council resolution 2094 (2013)

Ministry of Foreign Affairs, Republic of Colombia

Listed below are the national measures adopted by Colombia to implement Security Council resolution 2094 (2013) concerning the Democratic People's Republic of Korea. The list was compiled on the basis of information received from the relevant national institutions.

Ministry of Defence

- The national navy ordered the inspection of all cargo originating in or destined for the Democratic People's Republic of Korea where information indicates that it contains items prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).
- The national navy ordered the communication of any information on transfers of aircraft or vessels of the Democratic People's Republic of Korea to other companies that may have been undertaken in order to evade the sanctions imposed in the resolutions concerning the Democratic People's Republic of Korea.
- The naval forces were instructed to check the web page of the United Nations Security Council Committee containing the consolidated lists of entities and individuals subject to asset freezing, as well as the items that are prohibited from being imported or exported from and to the Democratic People's Republic of Korea.
- The operational units responsible for registration and control were instructed to prevent the supply, sale or transfer of any item that could contribute to the nuclear and ballistic missile programme of the Democratic People's Republic of Korea.

Migration Colombia

- The special administrative unit Migration Colombia sent the information below to the regional directors with the instruction to disseminate and raise awareness of it:

  (i) Adopt appropriate measures to ensure effective migration control of passengers and crew members coming from the Democratic People's Republic of Korea, in order to raise the alert when an irregularity is detected (possession of large sums of money);

  (ii) Exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to that Republic's nuclear or ballistic missile programmes;

(iii) Carefully and rigorously inspect vessels, aircraft and other means of transport coming from the Democratic People's Republic of Korea;

(iv) Be on the alert for cases in which it is known that any item determined to be able to contribute to nuclear or ballistic missile programmes or to other prohibited activities is being supplied, sold, used or transferred to or from the Democratic People's Republic of Korea through Colombian territory or by Colombian nationals;

(v) Take account of the travel ban contained in annex I* of resolution 2094 (2013).

- The regional directors were requested to implement and disseminate the measures required through their subordinates in each migration control post, and it was recommended that they should strictly implement the activities and procedures forming part of the migration control process in relation to passengers and crew members in accordance with resolution 2094 (2013).

- After the information was disseminated, the necessary instructions were generated in the system concerning the travel ban imposed on the following nationals of the Democratic People's Republic of Korea:

1. YO'N CHO'NG NAM

Description: Chief Representative for the Korea Mining Development Trading Corporation (KOMID). The KOMID was designated by the Committee in April 2009 and is the primary arms dealer Democratic People's Republic of Korea and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

2. KO CH'O'L-CHAE

Description: Deputy Chief Representative for the Korea Mining Development Trading Corporation (KOMID). The KOMID was designated by the Committee in April 2009 and is the primary arms dealer of the Democratic People's Republic of Korea and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

3. MUN CHO'NG-CH'O'L

Description: Mun Cho'ng-Ch'o'l is a Tanchon Commercial Bank (TCB) official. In this capacity he has facilitated transactions for TCB. Tanchon was designated by the Committee in April 2009 and is the main financial entity of the Democratic People's Republic of Korea for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons.

Ministry of Mines and Energy

- The Ministry informed officials responsible for procedures relating to licensing, monitoring and control of radioactive materials in Colombia that they are expressly prohibited from authorizing the entry and/or removal of radioactive and nuclear materials from or to the Democratic People's Republic of Korea.

* Translator's note: Spanish reads annex II but this is an error.

Directorate of National Taxes and Customs:

- The Directorate's Foreign Trade Branch sent memorandum 000204, dated 29 May 2013, to the following individuals in that entity:

  (a) Customs section directors;

  (b) Tax and customs section directors;

  (c) Tax and customs branch directors;

  (d) Customs operations division heads;

  (e) Audit management division heads;

  (f) Operational control/fiscal and customs police (POLFA) division heads;

  (g) Internal working group (GIT) coordinators;

  (h) Officials working at ports, airports and border crossings.

  The memorandum read as follows:

- By means of resolution 2094 (2013), the United Nations Security Council, as a result of the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013, decided that Member States shall impose sanctions relating to that country's nuclear programme, including:

  (i) Inspecting all cargo within or transiting through their territory that has originated in the Democratic People's Republic of Korea, or that is destined for the Democratic People's Republic of Korea, or has been brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or by individuals or entities acting on their behalf, if the State concerned has credible information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), for the purpose of ensuring strict implementation of those provisions.

  (ii) Preventing the supply, sale or transfer of the items, materials, equipment, goods and technology listed in annexes III and IV of resolution 2094 (2013).

Bank of the Republic

- In accordance with the legislation[1] in force concerning the prevention, detection and control of money-laundering and the financing of terrorism, the

[1] Decree No. 663 of 2 April 1993, which updates the Organic Statute of the Financial System and amends its titles and numbering; Act No. 190 of 1995, which issues regulations designed to preserve normality in the public administration and establishes measures with the aim of eradicating administrative corruption; Act No. 526 of 1999, which creates the Information and Financial Analysis Unit; Act No. 599 of 24 July 2000, which promulgates the Penal Code; Act No. 747 of 19 July 2002, which reforms and supplements the Penal Code (Act No. 599 of 2000), establishes the crime of human trafficking and issues other regulations; Act No. 1121 of 29 December 2006, which issues regulations for the prevention, detection, investigation and punishment of the financing of terrorism and other provisions; external circular No. 007 of 1996, as amended (basic legislative circular); the Forty Recommendations of the Financial Action Task Force, and the Nine Special Recommendations; Statement of principles of the Basel Committee (1988); Security Council resolution 1373 (2001); the Wolfsberg Group.

Bank of the Republic has established a system for managing money-laundering and terrorist financing risk that enables it to establish policies, procedures and controls in order to minimize exposure to the risk of money-laundering and financing of terrorism in its operations with third parties or in the performance of its own functions.

- As a method of control designed to ensure compliance with the Security Council resolutions, the Bank of the Republic has created a preventive software tool (watch list[2]) managed by the Analysis and Operations Unit,[3] which contains information about individuals with a criminal record or apparent links with illegal activities, according to sources such as the international lists of alleged drug traffickers and terrorists published by the United Nations by means of Security Council resolutions and by the Office of Foreign Assets Control.

- The watch list is checked before a contract is signed or before any transaction that involves making or receiving cash payments, handing over or transferring goods or fulfilling other financial obligations. Where the person is a natural person, their name is checked, together with their identity card, immigration document or alternative document; where the person is a juridical person, its registered name and tax identification number are checked.

- The watch list must be checked when completing foreign exchange transactions requiring registration with the Bank of the Republic (foreign investments in Colombia; Colombian financial investments abroad; registration of clearing accounts[4]).

- For other foreign exchange transactions which, under article 4 of Decree No. 1735 and article 7 of external resolution No. 8 of 2000, must be channelled through the foreign exchange market[5] (foreign exchange brokers[6]

[2] The list has been updated in accordance with Security Council resolution 2094 (2013).

[3] This Unit is attached to the Operational Risk Management Division of the Bank of the Republic. Its main function is to foster an environment within the Bank that is conducive to the prevention and control of money-laundering in its operations, monitor the financial flows in which the Bank is involved and discourage third parties from using the Bank for money-laundering activities.

[4] Bank accounts in foreign currency opened by residents (art. 2 of Decree No. 1735 of 1993) in financial entities abroad. As soon as a foreign exchange transaction that must be channelled through the foreign exchange market is carried out through one of these accounts, it becomes a clearing account and must be registered with the Bank of the Republic in accordance with article 56 of external resolution No. 8 of 2000, adopted by the Board of the Bank of the Republic, and the terms and conditions laid down in chapter 8, section 8.2, of external regulatory circular DCIN-83.

[5] Goods imports and exports; foreign borrowing transactions by residents of Colombia, as well as the financial costs inherent in them; foreign capital investments in Colombia, including the associated returns; Colombian capital investments abroad, including the associated returns; financial investments in foreign-issued securities and assets located abroad, including the associated returns, except where the investments are made using foreign currency arising from transactions that do not have to be channelled through the foreign exchange market; collateral and guarantees in foreign currency; derivative transactions.

[6] Foreign exchange brokers are commercial banks, financial corporations, finance companies, Financiera de Desarrollo Nacional S.A., Banco de Comercio Exterior de Colombia S.A. (BANCOLDEX), financial cooperatives, stockbroking companies, and foreign exchange intermediaries and special financial services companies (previously bureaux de change).

and clearing accounts), all entities subject to supervision, including foreign exchange brokers, are required by article 120 of the Organic Statute of the Financial System to adopt measures to prevent and detect money-laundering.

- Act No. 1121 of 2006 amended the Organic Statute of the Financial System in order to include general regulations for the detection, investigation and punishment of the financing of terrorism. Furthermore, in April 2007, the Superintendence of Finance of Colombia issued instructions on managing the risk of money-laundering and financing of terrorism. In particular, it established that, with effect from January 2008, all entities supervised must have implemented a risk management system known as the "System for managing money-laundering and terrorist financing risk". In addition, it established the minimum parameters that supervised entities must meet in developing and implementing that system.

- On 8 July 2011, the Superintendence of Finance issued circular letter No. 65, which stipulates that supervised entities, their directors and their officials must strictly comply with the obligations laid down in title I, chapter XI of external circular No. 007 of 1996 concerning the system for managing money-laundering and terrorist financing risk, when concluding transactions in the capacity of foreign exchange brokers.

- According to this regulation, all entities subject to supervision are obliged to prevent the proceeds of activities linked to money-laundering and/or the financing of terrorism from flowing into or out of the financial system, regardless of the nature of the transaction.

- In external regulatory circular DCIN-83, the Bank of the Republic establishes the obligation of foreign exchange brokers to "obtain adequate know-your-client information as part of their duty to monitor and prevent criminal activities, so that they are able, if so required, to inform the authorities controlling and overseeing the foreign exchange regime of the basic characteristics of the foreign exchange transaction for which they are acting as broker, in accordance with articles 102-107 of the Organic Statute of the Financial System on the prevention of criminal activities, articles 39-44 of Act No. 190 of 1995 and articles 9 and 11 of Act No. 526 of 1999, as well as with other regulations amending or supplementing that legislation".

Superintendence of Finance of Colombia:

- In 2006, the Superintendence established a procedure for complying with every resolution adopted by the United Nations Security Council that is brought to the attention of Colombia.

  The procedure was strengthened by the conclusion in September 2012 of an inter-agency agreement[7] signed by the Ministry of Foreign Affairs, the State

[7] Inter-agency agreement concluded by the Ministry of Foreign Affairs, the State Attorney's Office, the Superintendence of Finance of Colombia and the Information and Financial Analysis Unit. Clause 5: Obligations of the Superintendence of Finance of Colombia. (1) Once it has been notified of the same by the Ministry of Foreign Affairs or the State Attorney's Office, the Superintendence of Finance shall convey, to all legal representatives and auditors of the entities subject to its supervision, the decisions adopted by the United Nations Security Council or the State Attorney's Office. (2) After this Agreement has been signed, the Superintendence of Finance

Attorney's Office, the Superintendence of Finance of Colombia and the Information and Financial Analysis Unit, clause 5 of which lays down the obligations of the Superintendence of Finance.

– In accordance with the relevant legislation[8] applicable to the entities that it supervises and taking into account that article 20 of Act No. 1121 of 2006, which issues the regulations for the prevention, detection, investigation and punishment of the financing of terrorism and other provisions, specifically refers to the international lists that are binding for Colombia, including those contained in the various resolutions adopted by the United Nations Security Council, the Superintendence of Finance of Colombia adopted the following measures within its area of competence:

(a) Exercising its power to give instructions, which is established by article 326 of the Organic Statute of the Financial System, it issued instructions concerning the system for managing money-laundering and terrorist financing risk that must be adopted by the entities supervised, which are contained in title I, chapter XI of external circular No. 007 of 1996 (basic legislative circular). The instructions are designed to ensure that the supervised entities are able to avoid being used to make the proceeds of criminal activities appear legal or to channel resources into terrorist activities.

The instructions establish the requirement to "Comply with the obligations relating to international lists that are binding for Colombia in accordance with international law and take the necessary steps to ensure that those lists are consulted before a potential client is linked to the entity".[9]

For the purposes of the above, in accordance with article 20 of Act No. 1121 of 2006, which regulates the procedure for publishing and complying with obligations relating to the international lists that are binding for Colombia under international law, supervised entities shall notify the relevant authorities indicated in that Act, or any that replace them, so that they can take the appropriate measures.

(b) In accordance with the above-mentioned legislation, the lists of natural and/or juridical persons mentioned in the various resolutions adopted by the United Nations Security Council, which are submitted to the Superintendence of Finance by the Ministry of Foreign Affairs, shall be brought to the attention of the supervised entities by means of a virtual entity established for the purpose of exchanging information, so that they can take the appropriate measures.

(c) In order to comply with its obligations under clause 5 of the inter-agency agreement mentioned above, which is reproduced in footnote 2 of

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shall give instructions to the entities subject to supervision concerning the procedure and time limit for submitting information to the attorney appointed by the State Attorney's Office, bearing in mind that the time limit may not be more than three days. Time limit: The Superintendence of Finance shall convey the above information within three days of receiving notification.

[8] Article 20 of Act No. 1121 of 29 December 2006; articles 323 and 441 of the Penal Code; articles 102-105 of the Organic Statute of the Financial System (Decree No. 663 of 1993).

[9] Title I, chapter XI, section 4.2.2(d) of the basic legislative circular (external circular No. 007 of 1996) issued by the Superintendence of Finance of Colombia.

this document, the Superintendence of Finance issued circular letter No. 85 of 2012 instructing supervised entities to comply with a given procedure and time limit for submitting information to the State Attorney's Office.

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Security Council

Distr.: General
17 September 2013

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 16 September 2013 from the Permanent Representative of Belarus to the United Nations addressed to the Chair of the Committee

I have the honour to forward herewith the information on the implementation by the Republic of Belarus of the provisions of the Security Council resolution 2094 (2013) as requested in its paragraph 25 (see annex).

(*Signed*) Andrei **Dapkiunas**
Ambassador
Permanent Representative

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Annex to the letter dated 16 September 2013 from the Permanent Representative of Belarus to the United Nations addressed to the Chair of the Committee

[Original: Russian]

The Ministry of Foreign Affairs of the Republic of Belarus has notified the competent national authorities of Belarus of the adoption of Security Council resolution 2094 (2013) concerning the Democratic People's Republic of Korea and of the need for a series of measures to ensure its effective implementation.

The provisions of the resolution have been brought to the attention of legal persons authorized to engage in foreign trade involving particular goods (work, services) as well as to the attention of the subsidiary bodies of the Ministry of Trade.

Financial organizations have been instructed to act in accordance with the requirements of the resolution in relation to the provision of financial services, transactions involving financial assets and resources, and relations with financial institutions and banks in the Democratic People's Republic of Korea. We also wish to advise you that the national authorities of Belarus do not engage in cooperation with the State financial agencies of the Democratic People's Republic of Korea.

The customs agencies of the Republic of Belarus have established a risk profile prescribing the types of customs controls to be used for goods sent to or received from the Democratic People's Republic of Korea, in order to comply with paragraph 16 of the resolution.

The Ministry of Transport and Communications of Belarus has established cooperation with the relevant divisions of Belarusian airports and airlines to prevent aircraft from landing in, taking off from or overflying the territory of Belarus if there is information that provides reasonable grounds to believe that they are carrying items prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and the present resolution.

The physical persons referred to in annex I to resolutions 2087 (2013) and 2094 (2013) are included on a list of individuals whose entry into the Republic of Belarus is prohibited or undesirable.

The Republic of Belarus is also constructively engaged with the Panel of Experts established pursuant to resolution 1874 (2009) concerning the Democratic People's Republic of Korea. Belarus has responded to two enquiries from the Panel of Experts.

The Republic of Belarus confirms its willingness to continue its cooperation with the Security Council Committee established pursuant to resolution 1718 (2006) regarding implementation of the relevant Security Council resolutions

United Nations S/AC.49/2013/23

Security Council

Distr.: General
14 October 2013

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 3 October 2013 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Malta to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit the report of Malta on the implementation of Security Council resolutions regarding the Democratic People's Republic of Korea, as well as the Laws of Malta,* which consolidate the implementation measures of those resolutions (see annex).

* The text is on file with the Secretariat and is available for consultation.

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Annex to the note verbale dated 3 October 2013 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

Malta is submitting a report to the Security Council on the steps or concrete measures that have been taken in order to implement effectively the provisions of Security Council resolutions 1718 (2006), 1874 (2009) and 2094 (2013), pursuant to the guidelines on the preparation and submission of national implementation reports.

Upon the adoption of Security Council resolutions 1718 (2006) and 1874 (2009) relating to the Democratic People's Republic of Korea, subsidiary legislation was enacted under the power of the Laws of Malta, in particular the power of the National Interest (Enabling Powers) Act, chapter 365 of the Laws of Malta. In respect of Security Council resolution 1718 (2006), subsidiary legislation 365.23, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations"[a] was issued in the form of a Legal Notice dated 10 November 2006, and in respect of Security Council resolution 1874 (2009), subsidiary legislation 365.29, entitled "United Nations Sanctions (Democratic People's Republic of Korea) (Further Sanctions) (2009) Regulations"[b] was issued in the form of a Legal Notice dated 18 September 2009.

In all sanctions-related matters, the Ministry of Foreign Affairs chairs and coordinates the Sanctions Monitoring Board, which is the national authority responsible for sanctions implementation and monitoring. The Sanctions Monitoring Board was initially established under Legal Notice 184 of 1994. That Legal Notice was repealed by virtue of Legal Notice 187 of 2000, which, in turn, re-established a Sanctions Monitoring Board to reflect the working modalities of the Board at the time.

Under Legal Notice 187 of 2000, the Sanctions Monitoring Board had the function of monitoring the operation of regulations made under the "National Interest (Enabling Powers) Act" (chapter 365) in accordance with such directives as provided for under article 3, sub-articles (1), (3), (5), (6), (7) and (8) of the Act, with a view to harmonizing practice thereon with that followed by other States enforcing the sanctions relative to the same regulations.

In the exercise of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister issued Legal Notice 327 of 2006, defining the composition and functions of the Sanctions Monitoring Board. That Legal Notice was repealed and the Sanctions Monitoring Board is now governed by Legal Notice 562 of 2010. The Board comprises members from different ministries and public entities, namely, representatives from the Office of the Attorney General, the Office of the Prime Minister, the Ministry of Justice and Home Affairs, the Ministry of Finance, the Trade Division, the Customs Department, the Central Bank, the Ministry of Transport and Infrastructure, and the Malta Financial Services Authority. Transport Malta and Malta Enterprise have observer status on the Board.

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[a] Available from www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10394&l=1.

[b] Available from www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10400&l=1.

The Board is chaired by the Director-General, Global Issues, International Development and Economic Affairs, at the Ministry of Foreign Affairs.

The Sanctions Monitoring Board provides the technical expertise required for the contribution of Malta to the formulation of European Union sanctions. Board members are then responsible for ensuring the implementation of sanctions measures and for communications to the relevant stakeholders in their respective fields.

The Sanctions Monitoring Board is also tasked with responding to sanctions-related queries from the general public. Owing to the increasing complexity of sanctions regulations, members of the public often have queries regarding the application of those measures. In that respect, they are entitled, by law, to a ruling by the Board. The Board is also the competent national authority acting in accordance with United Nations and European Union regulations for authorizing certain requests under specified exemptions, where this is required by the relevant United Nations and European Union legal instruments.

The Ministry of Foreign Affairs chairs and coordinates all the work of the Board. Over the years, entities, including members of the public, law firms, companies and commercial banks have sought the direction and, where required, the clearance of the Board, in the form of requests for information and authorization, which were made to the Sanctions Monitoring Board. In order to facilitate communication with the general public, in 2012, the Ministry of Foreign Affairs introduced a generic sanctions e-mail (sanctions@mfa.gov.mt), to which members of the public may direct their sanctions queries.

Moreover, the Malta Financial Services Authority maintains a section dedicated to sanctions on its website (http://mfsa.com.mt/pages/viewcontent.aspx?id=105). New sanctions are uploaded to the relative pages as they are issued, and users also have the option of searching sanctions by country. In addition, the Authority also periodically issues notices and guidance to its licence holders, advising them of the international sanctions in force and reminding them of their obligation to report to the Authority the findings of their verifications and the actions taken and to duly inform the national competent authority of any action taken. In addition, as part of its ongoing supervision processes, the Authority conducts on-site visits, during which processes and documents are reviewed by the inspectors of the Authority in order to ensure that adequate systems are in place to enable licence holders to adhere to their obligations under international sanctions.

Trade-related measures: arms, luxury goods and entry of individuals

These legal mechanisms for implementing Security Council resolutions 1718 (2006) and 1874 (2009) include concrete measures dealing with trade-related measures covering the prevention of direct or indirect supply, and the sale or transfer to and from the Democratic People's Republic of Korea of all arms and related material, and luxury goods under article 4 (1) and article 4 (2).

In Malta's subsidiary legislation, Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations" states under article 4:

Article 4

(1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by citizens of Malta, or using Malta's flag vessels or aircraft, of arms and luxury goods, whether or not originating from Malta, and the provision of any technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, is prohibited.

(2) The procurement by citizens of Malta, or using Malta's flag vessels or aircraft, of arms from the DPRK, whether such arms originate in the territory of the DPRK or not, is prohibited.

Moreover, Malta is committed to prohibiting the procurement of support for or the promotion of the policies of the Democratic People's Republic of Korea in relation to items ranging from nuclear, ballistic missiles and other programmes related to weapons of mass destruction. In particular, Malta is committed to setting up measures to monitor the travel and the transit of individuals. The State of Malta is responsible for management of the entry, exit and residence of foreigners in Malta.

Moreover, article 5 of the Malta's subsidiary legislation, Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations" states the following on the matter in article 5:

Article 5

(1) No persons designated by the Committee or by the Security Council as being responsible for, supporting or promoting the DPRK policies in relation to its nuclear, ballistic missile and weapons of mass destruction related programmes, may enter into or transit through Malta.

(2) The provisions of sub-regulation (1) shall also apply to such persons' family members and nothing shall oblige Malta from refusing entry into its territory to any of its own citizens.

(3) The measures imposed by sub-regulation (1) shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would further the objectives of the Resolution.

In view of the nuclear test conducted in 2009 by the Democratic People's Republic of Korea in violation of Security Council resolution 1718 (2006), the Security Council adopted resolution 1874 (2009), acting under Article 41 of Chapter VII of the Charter of the United Nations.

In respect of Security Council resolution 1874 (2009), subsidiary legislation 365.29 was issued in the form of a Legal Notice, dated 18 September 2009. That Legal Notice further emphasizes and covers the scope of subsidiary legislation 365.23, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations", already mentioned above. The prohibition of procurement for and from the Democratic People's Republic of Korea of "all arms and related material" and the exemption of small arms and light weapons have been added, together with the imposition of a five-day notice to the Committee prior to any deal in such weapons.

Article 4 of Malta's subsidiary legislation, Legal Notice 251 of 2009, entitled "United Nations Sanctions (Democratic People's Republic of Korea) (Further Sanctions) (2009) Regulations" states:

Article 4

4. (1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by a citizen of Malta, or using Malta's flag vessels or aircraft, of all arms and related material, as well as of financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or material, whether originating from Malta or not, shall be prohibited.

(2) The prohibition of sub-regulation (1) shall not apply for small arms and light weapons:

Provided that the authorities of Malta shall exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of small arms or light weapons and shall notify the Committee at least five days prior to any sale, supply or transfer of small arms or light weapons to the DPRK.

Financial-related measures: freezing of funds, financial assets and economic resources

In order to implement Security Council resolutions 1718 (2006) and 1874 (2009), the Central Bank of Malta and the Malta Financial Services Authority have undertaken precautionary measures by directing banking and credit institutions, through announcements and warnings, to apply the fullest level and highest standards of customer identification and to issue reports on excessive cash transactions, international electronic money transfers and suspicious transactions to the Malta Police, the Central Bank of Malta and the Malta Financial Services Authority in respect of banking inspection and supervision authority for monitoring, handling and reporting to the competent authorities.

Malta is committed to freezing the funds owned by persons and entities supporting or aiding the nuclear and other weapons of mass destruction and ballistic programmes of the Democratic People's Republic of Korea; to preventing the provision of financial services related to those programmes and the provision of public financial support for trade with the Democratic People's Republic of Korea that could contribute to those programmes; and to not entering into new commitments for financial assistance to the Democratic People's Republic of Korea, except for humanitarian and developmental purposes.

Article 6 of Malta's subsidiary legislation, Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations" states:

Article 6

(1) Any funds, other financial assets and economic resources which are in Malta and which are owned or controlled directly or indirectly by the persons or entities designated by the Committee or by the Security Council pursuant to regulation 5(1), or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, shall be immediately frozen.

(2) Such funds, financial assets or economic resources shall be prevented from being made available by any person or entity in Malta to or for the benefit of such persons or entities.

(3) The provisions of this regulation do not apply to funds, other financial assets and economic resources that have been determined by the authorities of Malta:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for the routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources, and in the absence of a negative decision by the Committee the foregoing shall be effected within five working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien, or of a judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement:

Provided that such lien or judgement was entered prior to the date of the Resolution, that they are not for the benefit of a person referred to in sub-regulation (1) or an individual or entity identified by the Security Council or the Committee, and that they have been notified to the Committee.

Malta is also committed to prohibiting a Maltese natural or legal person from entering into new commitments in relation to grants, financial assistance or concessional loans to the Democratic People's Republic of Korea, except in the case of humanitarian and developmental cases.

Articles 6 and 7 of Malta's subsidiary legislation, Legal Notice 251 of 2009, entitled "United Nations Sanctions (Democratic People's Republic of Korea) (Further Sanctions) (2009) Regulations" state:

Article 6

6. It shall be prohibited to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK, in the territory of Malta or by a citizen of Malta or a company registered in Malta, or a person or financial institution in Malta:

Provided that such new commitments for grants, financial assistance, or concessional loans are not required for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization.

Article 7

7. It shall be prohibited to provide public financial support for trade with the DPRK where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other WMD-related programs or activities.

Inspection regime

Malta also implements an inspection regime that covers all cargo to and from the Democratic People's Republic of Korea, including ports and airports, in conformity with domestic and international legislation. This is meant to cover the inspection of Maltese vessels believed to contain prohibited items on the high seas and to seize and dispose of prohibited items identified in inspections. In the event that inspections are held on the vessels of other States, Malta is obliged to report the inspection, seizure and disposal. In the event of non-cooperation by the flag State, this shall be reported as well. Malta prohibits the provision of bunkering services to vessels of the Democratic People's Republic of Korea believed to be carrying prohibited items.

In Malta's subsidiary legislation, Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations", article 7 states:

7. It shall be lawful for any person who is authorized to carry out such activity, to inspect cargo to or from the DPRK, as may be necessary, so as to ensure compliance with the prevention of illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.

Malta imposes a penalty up to 116,468.67 euros upon convicted persons, in accordance with article 8 of the same regulations implementing Security Council resolutions 1718 (2006) and 1874 (2009) in cases of violations against those regulations.

In Malta's subsidiary legislation, Legal Notice 275 of 2006, as amended by Legal Notice 425 of 2007, entitled "United Nations Sanctions (Democratic People's Republic of Korea) Regulations", article 8 states:

8. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine (multa) not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67).

In 2013, the Enforcement of European Union Sanctions (Democratic People's Republic of Korea) Regulations, 2013 were issued under the powers of the National Interest (Enabling Powers) Act (Cap. 365).

To date there have been no reports, from all Sanctions Monitoring Board members and the agencies they represent, of any violation of the sanctions against the Democratic People's Republic of Korea. Council of the European Union regulation 296/2013 of 26 March 2013 amending Council regulation 329/2007, concerning restrictive measures against the Democratic People's Republic of Korea, and European Commission implementing regulation 370/2013 of 22 April 2013, amending Council regulation 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, are directly applicable since these are

European Union regulations, which, as entire European Union legislative acts, become part of national law. Legal notices on penalties are awaiting publication.

Malta reaffirms its commitment to fully implementing Security Council resolutions. The Ministry of Foreign Affairs of Malta condemned the nuclear tests of the Democratic People's Republic of Korea, which are in violation of international obligations and "the regrettable string of provocative actions that have served to increase regional tensions".[c]

[c] Available from www.foreign.gov.mt/default.aspx?MDIS=21&NWID=4353.

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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 22 October 2013 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States would like to submit its national implementation report regarding concrete measures the United States has taken to implement Security Council resolution 2094 (2013) (see annex).

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Annex to the note verbale dated 22 October 2013 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America for the Security Council on efforts to implement Security Council resolution 2094 (2013)

This report covers the concrete measures the United States has taken in order to implement effectively paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24 and 30 of Security Council resolution 2094 (2013).

The United States considers it essential for Member States to fully and effectively implement resolution 2094 (2013). In addition, the United States will continue to support other States' efforts, as requested, to prevent financial transactions or trade in goods and services prohibited by resolution 2094 (2013).

Following the structure of relevant provisions of the resolution, United States actions to date are as follows:

Paragraph 7: Reaffirms that the measures imposed in paragraph 8 (c) of resolution 1718 (2006) apply to items prohibited by paragraphs 8 (a) (i), 8 (a) (ii) of resolution 1718 (2006) and paragraphs 9 and 10 of resolution 1874 (2009), decides that the measures imposed in paragraph 8 (c) of resolution 1718 (2006) also apply to paragraphs 20 and 22 of this resolution, and notes that these measures apply also to brokering or other intermediary services, including when arranging for the provision, maintenance or use of prohibited items in other States or the supply, sale or transfer to or exports from other States.

The United States prohibits imports of all goods, services and technology from North Korea. Goods, services and technology from North Korea may not be imported into the United States, either directly or through third countries, without prior notification to and approval of the United States Department of the Treasury's Office of Foreign Assets Control.

In June 2005, President Bush signed Executive Order 13382 ("Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters"), which blocks or "freezes" the property and interests in property, subject to United States jurisdiction, of persons listed in the annex to the Executive Order as well as persons determined to meet the criteria of the Executive Order, including those contributing to the proliferation of weapons of mass destruction (WMD) or their means of delivery. Entities and individuals that are designated under the Executive Order are denied access to the United States financial and commercial systems. United States persons, wherever located, including United States financial institutions, are required to freeze assets under their control belonging to designated entities/individuals and are generally prohibited from engaging in transactions with them. This legal authority allows the United States to implement effectively many of the measures set forth in resolution 2094 (2013). The entities and individuals designated under Executive Order 13382 can be found at the following website: http://www.treasury.gov/resource-center/sanctions/Programs/Documents/wmd.pdf.

In addition, in August 2010, President Obama signed Executive Order 13551 ("Blocking Property of Certain Persons With Respect to North Korea"), which blocks the property and interest in property of persons listed in the annex to the

Executive Order as well as of individuals and entities determined to have been engaged in trafficking in North Korean arms and related materiel; imports into North Korea of luxury goods; or illicit activities that involve or support the Government of North Korea or its senior officials, including money-laundering, the counterfeiting of goods or currency, bulk cash smuggling, and narcotics trafficking.

Paragraph 8: Decides further that measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individuals and entities listed in annexes I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and decides further that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply to any individuals or entities acting on the behalf or at the direction of the individuals and entities that have already been designated, to entities owned or controlled by them, including through illicit means.

Following the adoption of resolutions 1874 (2009) and 2094 (2013), the United States, in March 2013, designated, pursuant to Executive Order 13382, the three individuals listed in annex I to resolution 2094 (2013): Mun Cho'ng-Ch'o'l, a Tanchon Commercial Bank representative who served in Beijing; and Yo'n Cho'ng-Nam and Ko Ch'o'l-Chae, both based in Dalian, China, and representatives of the Korea Mining Development Trading Corporation. The Second Academy of Natural Sciences and Korea Complex Equipment Import Corporation, listed in annex II to the resolution, were previously designated pursuant to Executive Order 13382, in August 2010 and October 2005, respectively.

In order to implement the requirement to freeze the assets of any individuals or entities acting on behalf or at the direction of any designated entity or individual imposed by paragraph 8, the United States has taken action against a number of additional entities and individuals. For example, in March 2013, pursuant to Executive Order 13382, the United States designated four senior members of the North Korean Government: Paek Se-Bong, Chairman of the Second Economic Committee; Pak To-Chun, Secretary of the United States and European Union-designated Munitions Industry Department; Chu Kyu-Chang, Director of the Munitions Industry Department; and O Kuk-Ryol, Vice-Chairman of the North Korean National Defence Commission. The Foreign Trade Bank acts as North Korea's primary foreign exchange bank and has provided key financial support to the Korea Kwangson Banking Corporation. The Korea Kwangson Banking Corporation was designated under Executive Order 13382 in August 2009 for providing financial services in support of the entities Tanchon Commercial Bank and the Korea Hyoksin Trading Corporation, both of which were designated by the Committee established pursuant to resolution 1718 (2006). The Foreign Trade Bank has also facilitated millions of dollars in transactions that have benefited the Korea Mining Development Trading Corporation — North Korea's premier arms dealer — and its financial arm, Tanchon Commercial Bank. North Korea's Second Economic Committee oversees the production of North Korea's ballistic missiles and directs the activities of the Korea Mining Development Trading Corporation. In April 2009, Tanchon Commercial Bank, the Korea Mining Development Trading Corporation, and the Korea Hyoksin Trading Corporation were designated by the Security Council Committee established pursuant to resolution 1718 (2006).

Additionally, in June 2013, the United States designated Daedong Credit Bank (DCB), together with DCB Finance Limited — a DCB front company — and DCB

representative Kim Chol Sam pursuant to Executive Order 13382. The financial operations carried out by DCB, DCB Finance Limited and Kim Chol Sam are responsible for managing millions of dollars of transactions in support of the North Korean regime's destabilizing activities.

Also, designated under Executive Order 13882 was Son Mun San, the External Affairs Bureau Chief of North Korea's General Bureau of Atomic Energy, for his work directing North Korea's nuclear-related research efforts. The General Bureau of Atomic Energy, which was previously designated by the United States and the United Nations, is responsible for North Korea's nuclear programme.

Paragraphs 9 and 10:

9. Decides that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall also apply to the individuals listed in annex I of this resolution and to individuals acting on their behalf or at their direction;

10. Decides that the measures specified in paragraph 8 (e) of resolution 1718 (2006) and the exemptions set forth in paragraph 10 of resolution 1718 (2006) shall also apply to any individual whom a State determines is working on behalf or at the direction of a designated individual or entity or individuals assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), and this resolution, and further decides that, if such an individual is a DPRK national, then States shall expel the individual from their territories for the purpose of repatriation to the DPRK consistent with applicable national and international law, unless the presence of an individual is required for fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters to conduct United Nations business;

The United States has the authority to designate persons under Executive Order 13382 ("Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters") and Executive Order 13551 ("Blocking Property of Certain Persons with Respect to North Korea"). These Executive Orders, together with a Presidential Proclamation entitled "Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions", allow for the implementation of a travel ban against individuals who meet the criteria set forth in paragraphs 9 and 10 of resolution 2094 (2013).

Paragraphs 11 and 14:

11. Decides that Member States shall, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources, including bulk cash, that could contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject

to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

14. Expresses concern that transfers to the DPRK of bulk cash may be used to evade the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), and this resolution, and clarifies that all States shall apply the measures set forth in paragraph 11 of this resolution to the transfers of cash, including through cash couriers, transiting to and from the DPRK so as to ensure such transfers of bulk cash do not contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution.

The United States prohibits the provision of financial services or transactions for or with all designated persons. In addition, the United States imposes a ban on all exports to the Democratic People's Republic of Korea unless licensed; a licence is required for the export or re-exports to North Korea of all United States-origin items subject to the Export Administration Regulations (EAR), other than food or medicine classified as "EAR99".

The United States Department of the Treasury, through its Financial Crimes Enforcement Network, issued an advisory to United States financial institutions in April 2013 regarding North Korean illicit financial activities. The advisory (FIN-2013-A004) provides guidance to United States financial institutions on implementing the financial provisions in resolution 1718 (2006), resolution 1874 (2009), resolution 2087 (2013) and resolution 2094 (2013). It sets forth United States concerns regarding the use of deceptive financial practices by North Korea and North Korean entities, as well as those acting for or on their behalf, to hide illicit conduct, including proliferation activities. It advises United States financial institutions to take commensurate risk mitigation measures.

The advisory incorporates the recent guidance issued by the Financial Action Task Force on the implementation of financial provisions in WMD-related Security Council resolutions and includes specific risk indicators to assist financial institutions in identifying high-risk customers and transactions associated with illicit activity of the Democratic People's Republic of Korea. The advisory encourages financial institutions to apply corresponding enhanced due diligence with high-risk customers to ensure that financial institutions do not facilitate transactions related to prohibited activities. Possible due diligence measures include obtaining additional information regarding the customer and transaction, such as the nature, end-use or end-user of the item, as well as export control information, such as copies of export control or other licences issued by the national export control authorities, and end-user certification.

The advisory also notes that there is an increased likelihood that correspondent accounts held for North Korean financial institutions, as well as their foreign branches and subsidiaries, may be used to hide illicit conduct and related financial proceeds in an attempt to circumvent existing sanctions. A list of some North Korean banks is included in the advisory for ease of reference. Finally, the advisory also highlights the risk that North Korea may rely on cash transactions to evade the provisions of Security Council resolutions, and urges financial institutions to remain

vigilant of large cash deposits, particularly when associated with other risk factors related to North Korea and prohibited activities.

Paragraphs 12 and 13:

12. Calls upon States to take appropriate measures to prohibit in their territories the opening of new branches, subsidiaries, or representative offices of DPRK banks, and also calls upon States to prohibit DPRK banks from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), and this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution;

13. Calls upon States to take appropriate measures to prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in the DPRK if they have information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programmes, and other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), and this resolution.

The Financial Crimes Enforcement Network advisory referenced above highlights the United States concerns that North Korean financial institutions are seeking to compensate for the loss of access to United States and worldwide financial sectors by establishing new financial relationships, including the opening of new foreign branches, subsidiaries, representative offices, or correspondent or other relationships either outside or within North Korea, and the pursuit of joint ventures.

Paragraph 15: Decides that all Member States shall not provide public financial support for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution.

The United States has not provided public financial support for trade with the Democratic People's Republic of Korea.

Paragraph 16: Decides that all States shall inspect all cargo within or transiting through their territory that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf, if the State concerned has credible information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, for the purpose of ensuring strict implementation of those provisions.

The United States exercises broad authority to search persons, conveyances, baggage, cargo and merchandise entering or departing the United States. United States Customs and Border Protection, the federal agency responsible for enforcing

more than 400 laws for various federal agencies at the border, including those laws that prohibit or restrict the movement of articles across United States borders, may conduct searches without a warrant and without probable cause. Therefore, with respect to any goods on board a vessel in a United States port, for purposes of import, export or goods transiting through the United States (including freight remaining on board), Customs and Border Protection has the legal authority to order offloading to inspect the container in port.

Any officer of United States Customs may at any time go on board any vessel or vehicle at any place in the United States or within the customs waters or, as he or she may be authorized, within a customs-enforcement area or at any other authorized place, without as well as within his or her district, and examine the manifest and other documents and papers and examine, inspect and search the vessel or vehicle and every part thereof and any person, trunk, package or cargo on board, and to this end may hail and stop such vessel or vehicle and use all necessary force to compel compliance.

Paragraph 17: Decides that, if any vessel has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any DPRK-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009), all States shall deny such a vessel entry to their ports, unless entry is required for the purpose of an inspection, in the case of emergency or in the case of return to its port of origination, and decides further that any State that has been refused by a vessel to allow an inspection shall promptly report the incident to the Committee.

Executive Order 13466, which is implemented by the United States Department of the Treasury, prohibits United States persons from owning, leasing, operating or insuring North Korean-flagged vessels.

Paragraph 18: Calls upon States to deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, except in the case of an emergency landing.

It is the long-standing policy of the United States to prohibit any aircraft from landing, departing or overflying the territories of the United States if there is information that such an aircraft contained illicit cargo in violation of the Security Council resolutions on the Democratic People's Republic of Korea. The United States has no air services agreement with North Korea, and there are no flights by United States airlines to North Korea or flights by Air Koryo, North Korea's national carrier, to the United States.

Paragraph 22: Calls upon and allows all States to prevent the direct or indirect supply, sale or transfer to or from the DPRK or its nationals, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories of any item if the State determines that such item could contribute to the DPRK's nuclear or ballistic missile programmes, activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, and directs the Committee to issue an

Implementation Assistance Notice regarding the proper implementation of this provision.

A licence from the United States Department of Commerce is required to export any item subject to the United States Export Administration Regulations to the Democratic People's Republic of Korea (with the exception of certain foods and medicines). The United States bans all imports from the Democratic People's Republic of Korea, unless licensed by the Department of the Treasury.

Paragraph 23: Reaffirms the measures imposed in paragraph 8 (a) (iii) of resolution 1718 (2006) regarding luxury goods, and clarifies that the term "luxury goods" includes, but is not limited to, the items specified in annex IV of this resolution.

The United States imposes a ban on all exports, to include luxury goods, to the DPRK unless licensed; a licence is required for the export or re-export to North Korea of all items subject to the Export Administration Regulations (EAR), other than food or medicine classified as "EAR99". Executive Order 13551 ("Blocking Property of Certain Persons with Respect to North Korea") (August 2010) also blocks the property of entities and individuals involved in, among other things, the importation into North Korea of luxury goods.

Paragraph 24: Calls upon States to exercise enhanced vigilance over DPRK diplomatic personnel so as to prevent such individuals from contributing to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), and this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution.

The United States continues to exercise vigilance to ensure that no Democratic People's Republic of Korea diplomatic personnel in the United States contribute to the Democratic People's Republic of Korea illicit programmes, prohibited activities or evasion of sanctions.

In the Financial Crimes Enforcement Network advisory referenced above, Democratic People's Republic of Korea diplomatic personnel are included as one of the risk indicators for financial institutions to use in identifying high-risk customers and transactions. For these customers, the advisory encouraged financial institutions to apply corresponding enhanced due diligence to ensure that financial institutions do not facilitate transactions related to prohibited activities.

Paragraph 30: Emphasizes the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions.

United States law recognizes contracts as being unenforceable on the grounds of force majeure, and on the grounds of being contrary to public policy, in certain circumstances.